

**IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
THIRD DIVISION**

STATE OF ARKANSAS

PLAINTIFF

VS.

CASE NO: 23-CR-12-1044

JACK W. GILLEAN

DEFENDANT

DEFENDANT'S RESPONSE TO PROSECUTION'S MOTION TO QUASH SUBPOENA

Comes now, Defendant, Jack W. Gillean, by and through his counsel and for his Response to State's Motion, states:

1. On February 28, 2013, the Defendant filed his Motion for Change of Venue, alleging, among other things, ethical improprieties on the part of the prosecution to undermine Defendant's presumption of innocence and to prejudice him in the eyes of prospective jurors by leaking unfiled information to the press and making statements to the press about the evidence.

2. In order to prove those allegations, the defendant caused subpoenas to be issued to members of the Sheriff's Department as well as the Prosecuting Attorney's office.

3. On or about April 10, 2013, a subpoena to Deputy Prosecuting Attorney Troy Braswell was served for his testimony at a pre-trial hearing on, among other things, Defendant's Motion for Change of Venue, which is presently scheduled for May 10, 2013 at 1:00 pm.

4. In addition, a subpoenas has been served on Cody Hiland, Prosecuting Attorney, and Defendant is in the process of serving a subpoena on a former Deputy Prosecuting Attorney which are also the subject of a second Motion to Quash. Once again, the subpoenas were served to prove some of the allegations contained in Defendant's Motion for Change of Venue.

WHEREFORE, Defendant prays for an order of this Court denying the motion to quash and for any and all other proper relief to which he may be entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Nicki Nicolo, do hereby certify that a true and correct copy of the foregoing has been served upon the Assistant Attorney General, Colin Jorgensen, via electronic mail this ___ day of April 2013.

Nicki Nicolo